IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.36 OF 2005

Shajimon Mathew ... Petitioner

V/s

1 State of Maharashtra &

Others ... Respondents

Mr.J.S. Kini, Advocate for petitioner
Mr. Rajesh Gehani for respondent No.2
Mr. Y.S. Shinde, A.P.P. for the State.

Coram : V.K. Tahilramani,J.
Date : 14th June 2005.

P.C. :

1 Heard the learned advocate for the petitioner,respondent No.2 and the learned A.P.P. for the State.

2 The petitioner has prayed for quashing of process issued against him in criminal case no.142 of 2002 which is pending in the court of learned Civil Judge Jr. Division and Judicial Magistrate First Class, Konkan Bhavan,Navi Mumbai.In the said case, process has been issued against the applicants under Section 420 of Indian Penal Code..

3 For the reasons recorded in my order dated 8th June 2005 passed in criminal application No.645 of 2005 passed in criminal writ petition No.213 of 2005, the petitioner has has remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4 Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court.

5 On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing the necessary parties.

6 Criminal writ petition is disposed of.

(V.K.Tahilramani,J.)